

ICR:GSM
F. #2021R00231

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IN THE MATTER OF AN APPLICATION
FOR A SEARCH WARRANT FOR:

THE PERSON KNOWN AND
DESCRIBED AS KYLE
BALKISSOON (BOP Reg. No.
38776-509)

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AFFIDAVIT IN SUPPORT
OF APPLICATION FOR A
SEARCH WARRANT

No. 21-MJ-1377

EASTERN DISTRICT OF NEW YORK, SS:

Allen Selegan, being duly sworn, deposes and states that he is a Task Force Officer with the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”) and a Detective with the New York City Police Department (“NYPD”), duly appointed according to law and acting as such.

Upon information and belief, there is probable cause to believe that evidence of a violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2) will be obtained by the taking of, and preserving as evidence a buccal swab sample of the defendant KYLE BALKISSOON (BOP Reg. No. 38776-509).¹ Specifically, evidence that the defendant KYLE BALKISSOON knowingly and intentionally possessed a firearm, on or about February 7, 2021, knowing that he had previously been convicted in a court of one or more crimes punishable by a term of imprisonment exceeding one year.

¹ BALKISSOON is in custody at the Metropolitan Detention Center under Bureau of Prisons Register Number 38776-509.

The source for your deponent's information and the grounds for his belief are as follows:²

1. I am a Detective with the NYPD. In addition, I am a Task Force Officer with the ATF. I have investigated numerous cases involving DNA evidence. The facts set forth in this affidavit are based upon what I have learned from other individuals who have participated in the investigation. Additionally, statements attributable to individuals herein are set forth in sum and substance and in part.

2. On or about April 6, 2021, a federal grand jury sitting in the Eastern District of New York returned a one-count indictment against KYLE BALKISSOON. See United States v. Kyle Balkissoon, 21-CR-186 (EK). The Indictment charges the defendant with, knowing that he had previously been convicted in a court of one or more crimes punishable by a term of imprisonment exceeding one year, knowingly and intentionally possessing a firearm, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

3. On or about February 7, 2021, NYPD officers on a public safety patrol observed the defendant KYLE BALKISSOON seated alone in a vehicle that was standing on a crosswalk. The officers also observed numerous indicia of marijuana possession, including a bag of marijuana in the center console of the defendant's vehicle. Accordingly, the officers conducted a search of the defendant's vehicle and found a semi-

² Because the purpose of this affidavit is to set forth only those facts necessary to establish probable cause to search, I have not set forth all of the facts and circumstances relevant to this investigation.

automatic pistol (the “Pistol”) in a backpack in the back seat. They then placed the defendant under arrest.

4. Prior to his arrest in the instant investigation, the defendant KYLE BALKISSOON had been convicted of two felonies in the State of New York. On April 9, 2014, in Queens County Supreme Court, the defendant was convicted of robbery in the first degree, in which the defendant or another participant in the crime displayed what appeared to be a firearm, a class B felony in violation of New York Penal Law (“N.Y.P.L.”) § 160.15, for which the defendant was sentenced principally to six years’ imprisonment. On January 5, 2015, in Kings County Supreme Court, the defendant was again convicted of robbery in the first degree, in which the defendant or another participant in the crime displayed what appeared to be a firearm, a class B felony in violation of N.Y.P.L. § 160.15, for which the defendant was sentenced principally to seven years’ imprisonment. The defendant was subsequently released to parole supervision on September 26, 2019, and was still serving his term of parole on February 7, 2021, the date of the instant offense.

5. In connection with the investigation of the crime scene, law enforcement agents collected swabs of possible DNA evidence from the Pistol. The DNA evidence collected by law enforcement was sent to the New York City Office of the Chief Medical Examiner (“OCME”) to test for the presence of DNA. The OCME subsequently compared the DNA samples taken from the Pistol to a DNA sample taken from the defendant several years earlier³ and, on or about April 8, 2021, the OCME confirmed that

³ On or about June 8, 2013, the NYPD collected and vouchered a DNA sample from the defendant in connection with another investigation.

the comparison “supports that [the defendant] is included as a contributor” to the DNA samples taken from the Pistol.

6. The government now wishes to compare the DNA from the Pistol with a more recent DNA sample obtained directly from the defendant via a buccal swab. Based on the facts set forth above as well as my training, experience and involvement in the investigation, there is a substantial likelihood that a new sample of DNA taken from the defendant will also match the DNA found on the Pistol.

7. Based on the above information, there is probable cause to believe that the defendant KYLE BALKISSOON is a contributor to DNA evidence found on the Pistol. Therefore, there is probable cause to believe that a buccal swab would constitute evidence of the defendant’s commission of the charged crime.


WHEREFORE, your deponent requests that a search warrant be issued authorizing NYPD officers and other appropriate law enforcement and support personnel to seize and obtain DNA samples from the defendant KYLE BALKISSOON. The government has been in contact with defendant’s counsel, Mia Eisner-Grynberg, and the parties have agreed, subject to confirming all parties’ availability, that should this application be granted, the search warrant will be executed on December 13, 2021, at approximately 12:00 p.m., in the United States District Court for the Eastern District of New York. An appropriately trained law enforcement officer, or an appropriately trained designee, will perform the cheek swabbing. The DNA samples sought herein will be collected by buccal swabbing. This method involves taking a sterile swab (similar to a Q-Tip) and gently scrubbing the inside right cheek, then the inside left cheek, for approximately five to ten seconds. Two samples are requested in the event that one of the samples becomes

contaminated or otherwise cannot be tested. The samples seized will be subsequently submitted to a forensic laboratory for examination and will be subject to examination, testing, and analysis.

Det. 

Allen Selegan
Task Force Officer
United States Bureau of Alcohol, Tobacco,
Firearms, and Explosives

Sworn to before me this
8th day of December, 2021


THE HONORABLE ROBERT M. LEVY
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK